

REMARKS

Applicants respectfully request entry of the foregoing amendments prior to examination on the merits.

Claim Status and Amendments

Claims 1-63 are canceled without prejudice or disclaimer as being directed to non-elected subject matter.

Claims 64-66 and 68 are amended. Support for the amendment to claim 64 can be found, for example, in claim 1 as originally filed, and in paragraphs [0103], [0104], [0105], [0106], [0173] and [0178] of the application as published (US 2007/0003617). Claims 65, 66, and 68 are amended to correct clerical errors and enhance clarity. No new matter is added by these amendments.

New claims 69-81 are added. Support for the new claims can be found throughout the application as filed. For example, support for the new claims can be found in the specification as shown in the table below:

Claim	Support in application as published (US 2007/0003617)
69	Paragraph [0081]
70	Paragraph [0082]
71	Paragraph [0083]
72	Paragraph [0086]
73	Paragraph [0087]
74	Paragraph [0088]
75	Paragraph [0089]
76 and 77	Paragraph [0084]
78	Paragraph [0129]
79	Paragraph [0016]
80	Claim 29 as originally filed and paragraph [0108]
81	Claim 31 as originally filed

Thus, no new matter is added by the new claims.

These claim cancellations and amendments are made without prejudice or disclaimer, and are not intended to be a dedication of any canceled subject matter to the public. Applicants reserve the right to pursue any cancelled subject matter in one or more continuing applications with the same rights of priority as the instant application.

After amending the claims as set forth above, claims 64-81 will be pending. These claims are presented for examination.

Restriction Requirement

In the Restriction Requirement, the Office has restricted the claimed invention into the following groups:

Group I: Claims 1-63, drawn to a pharmaceutical composition for controlled release of at least one opioid into an aqueous medium.

Group II: Claims 64-68, drawn to a method for treating a patient suffering from pain sensible to an opioid.

The Restriction Requirement is based on the allegation that Fischer et al. (US 2004/0253310) defeats the inventive step of claims 1-63 and, therefore, that no special technical feature links the inventions of Group I and II.

Without acquiescing in any way to the merits of that allegation, and solely to respond to the Restriction Requirement, Applicants hereby elect the subject matter of Group II (encompassing pending claims 64-81). Moreover, Applicants respectfully submit that the instant claims are patentable over Fischer.

CONCLUSION

Applicants believe that the application is in condition for allowance, and respectfully await examination on the merits.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution in any respect.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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